

401 KAR 47:170. Notice of intent to apply for a solid waste permit.

RELATES TO: KRS 224.01, 224.10, 224.40, 224.43, 224.99

STATUTORY AUTHORITY: KRS 224.10-100, 224.40-305

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 224 requires the cabinet to adopt rules and administrative regulations for the management, processing or disposal of wastes. KRS 224.40-305 requires that persons engaging in the management, processing or disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This administrative regulation sets forth the requirements for a notice of intent to apply for a solid waste permit.

Section 1. The Objectives and Requirements of the Notice of Intent to Apply for a Solid Waste Permit. All applicants for a solid waste permit shall submit a notice of intent to apply for a solid waste permit that shall contain the information specified in Section 2 of this administrative regulation. An applicant for a solid waste construction/ demolition debris, contained, or residual landfill permit shall additionally submit the geotechnical information contained in Section 3 of this administrative regulation. An applicant for a landfarming permit shall submit a notice of intent to apply for a solid waste permit in accordance with 401 KAR 48:200. The notice of intent to apply for a solid waste permit makes the cabinet aware of the potential location for a new site or site expansion; allows for review of existing information for suitability of the site relative to 401 KAR 47:030, 401 KAR 47:100, and 401 KAR Chapter 48; allows for review and approval of the proposed field investigations to supplement the existing information; allows the cabinet to determine the relationship of a proposed facility to the approved solid waste management area plan; and identifies any provisions of local government that pertain to the proposed facility. The notice of intent to apply contains information that is part of a complete application as required by KRS 224.40-310.

Section 2. Notice of Intent to Apply for a Solid Waste Permit. All notices of intent to apply for a solid waste permit shall include the following information:

- (1) The management, processing, or disposal activities that require a solid waste permit under KRS Chapter 224;
- (2) The name and mailing address of the proposed facility;
- (3) The location, including latitude and longitude, of the center of the proposed waste disposal area(s);
- (4) A list of the anticipated sources that generate wastes to be disposed at the site;
- (5) For industrial facilities seeking a permit, the major applicable United States Department of Commerce Standard Industrial Classification Codes (SIC) and a description of the process in sufficient detail to allow determination of the materials used for production and the resultant chemical, physical, and hazardous character of the wastes. Hazardous waste characterization shall be consistent with 401 KAR Chapter 31;
- (6) The operator's name, address, and telephone number;
- (7) The name, address, and telephone number of the owner of the property and a copy of the current deed to the property;
- (8) Written directions to the site, using roads or highways, from a commonly known landmark;
- (9) A general county highway map eleven (11) inches by fourteen (14) inches as published by the Kentucky Transportation Cabinet for the county showing the location of the proposed site;
- (10) A description of the portions of the property to be used for waste management, processing, or disposal to include the area in acres, and anticipated peak capacity; and average rate of operation in cubic yards and tons per day;

(11) The source by county or facility as appropriate; the chemical, physical, and biological characteristics of the solid wastes to be managed at the facility; an estimate of the quantity of such wastes to be managed annually; and a general description of the methods of management for each waste;

(12) A listing of all permits or construction approvals anticipated, applied for, or received under any of the following programs that relate specifically to the proposed facility;

(a) Solid and Hazardous Waste Management Program under the Resource Conservation and Recovery Act and KRS Chapter 224 as specified in 401 KAR Chapters 30 through 48;

(b) Underground Injection Control Program under the Safe Drinking Water Act; and

(c) NPDES Program under the Clean Water Act, or the KPDES Program under KRS Chapter 224 as specified in 401 KAR 5:050 through 5:085;

(13) For existing facilities, the following additional information shall be included:

(a) A drawing of the facility showing the location of all past, present, and proposed future waste management areas;

(b) Photographs of the facility clearly delineating all existing structures, existing waste management areas, primary operating components, and sites of future waste management;

(c) A report describing the permitting and compliance history that relates to the existing sites and the owner's abilities to meet the environmental performance standards of 401 KAR 47:030. This report shall include the financial requirements to modify the site or facility to meet the environmental performance standards;

(d) A written description of compliance with the Prevention of Significant Deterioration (PSD) program under KRS Chapter 224 as specified in 401 KAR 51:017;

(e) A written description of compliance with the nonattainment program under KRS Chapter 224 and as specified in 401 KAR 51:052;

(f) Water quality certification as required by Section 401 of the Clean Water Act;

(g) All permits issued for mineral or coal extraction under the Surface Mining and Reclamation Act and KRS Chapter 350; and

(h) Other relevant environmental permits.

(14) A review of all pertinent published information pertaining to the proposed solid waste site or facility concerning federally protected threatened and endangered species and their critical habitat, historical properties, archaeological sites, and wetlands; and

(15) Any other information that may be required to determine that the respected permit conforms to the requirements for solid waste sites or facilities.

Section 3. Geotechnical Information. The notice of intent to apply for a solid waste landfill permit shall contain a geotechnical report and site investigation plan including:

(1) An original current USGS seven and one-half (7.5) minute topographic quadrangle map showing the proposed waste boundaries and the property boundaries. The map shall show the following items that are located within one (1) mile of the proposed waste boundary:

(a) All surface water intake and discharge structures;

(b) All waste management, processing, or disposal facilities;

(c) All wells where fluids are injected underground; and

(d) All wells, springs, ephemeral, intermittent, and perennial streams, other surface water bodies, and drinking water wells.

(2) A review of all pertinent existing and published information pertaining to:

(a) Geology (karst features, structural features, and lithologic description);

(b) Hydrogeology of the groundwater resources and aquifers that shall be monitored;

(c) Hydrology (streams, wetlands and, other surface water bodies); and

(d) Caves and excavations including mined or quarried areas;

(3) A written plan addressing the determination of specific requirements of 401 KAR 47:030, 401

KAR 47:180, 401 KAR 48:050 through 401 KAR 48:080, and 401 KAR 48:170 as appropriate;

(4) A rock core boring plan that shall:

(a) Provide the data needed to evaluate the geologic features to the level of the first confining layer below the uppermost aquifer, and all geologic units hydraulically connected to the uppermost aquifer;

(b) Provide the data needed to determine the features of the liner system for the appropriate land-fill class;

(c) Provide data to describe the site geology, the local aquifers that are hydrogeologically associated with the site, and the transmissivity of the aquifers; and

(d) Include relevant field data and appropriate test methods for determining hydrogeologic parameters;

(5) A soil boring plan that shall address the field and laboratory methods to be used. The soil boring plan shall include:

(a) The procedures to be used for field observations during solid borings and the criteria for selecting soils to be examined in the laboratory and a procedure for all soil borings to be field classified by a person qualified to make distinctions on characteristics relative to the engineering classification of soils;

(b) An analysis plan for at least one (1) soil sample for each soil type within each soil examination block. Each soil examination block shall be no larger than 1000 feet by 1000 feet and include a narrative describing the soils to be selected for laboratory examination using a test method approved by the cabinet; and

(c) The proposed depth of soil borings and their depth relationship to the limits of proposed excavation.

(6) Directions for closure of the rock core borings using grout and closure of the soil borings. The closure of the investigative excavations shall be acknowledged in writing by a qualified engineering geotechnical investigation professional;

(7) The methods and accuracy to be used to determine the location of the rock core borings and the soil borings during the subsurface investigation;

(8) A site geotechnical investigation map prepared at a scale of one (1) inch equals 400 feet showing the limits of all areas that may be used for soil borrow or waste disposal, site topography, and the USDA SCS soil group mapping. The site map shall have the following shown:

(a) A regular grid (soil examination block) of 1,000 feet by 1,000 feet spacing;

(b) USDA SCS soil groups;

(c) Within each soil examination block of the grid, the placement of at least one (1) soil boring for each soil type; and

(d) Additional soil boring locations such that a minimum of nine (9) soil borings shall be taken in each soil examination block.

(9) A procedure for written documentation when the location of actual subsurface excavations (borings or corings) are adjusted in the field. The adjusted excavation locations shall achieve the criteria of this section and shall be subject to concurrence by the cabinet;

(10) Additional information for each classification of landfill as outlined below:

(a) For construction/demolition debris landfills, the geotechnical investigation map shall be annotated to show the proposed location of a minimum of three (3) rock core borings. The number and placement of the rock core borings shall be determined based on the size and geologic complexity of the site;

(b) For contained landfills, the geotechnical investigation map shall show the proposed location of a minimum of four (4) rock core borings. For sites with more than fifty (50) acres, an additional rock core boring shall be required for each additional twenty-five (25) acres or part thereof. The placement of the rock core borings shall be dependent on site geologic features of the proposed site. Ad-

ditional rock core borings may be required for sites with complex geologic attributes; and

(c) For residual landfills, additional geotechnical information or samples may be required; and

(11) Other informational sources to be researched for site specific attributes. The sources shall include, at a minimum, surface mining permits, subsurface excavation and mining permits, and records of the Kentucky Geologic Survey and the Kentucky Department of Mines and Minerals. (16 Ky.R. 1755; Am. 2197; 2359; eff. 5-8-90.)